

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRAVIS M. McGUIRE,

Defendant.

NO. CR-08-176-LRS

**ORDER GRANTING MOTION  
FOR RECONSIDERATION**

**BEFORE THE COURT** is the Defendant's Motion For Reconsideration (ECF No. 81).

In an order dated August 11, 2015 (ECF No. 78), this court denied Defendant's Motion To Reduce Sentence Pursuant To 18 U.S.C. § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines. Amendment 782, which went into effect on November 1, 2014, reduces by two the offense levels assigned in the Drug Quantity Table, U.S.S.G. § 2D1.1, resulting in lower guideline ranges for most drug trafficking offenses. The Amendment was given retroactive effect, but offenders may not be released from prison based on the Amendment any earlier than November 1, 2015. U.S.S.G. § 1B1.10(e).

In its order, this court found that although Defendant was eligible for a sentence reduction pursuant to Amendment 782, a reduction was not warranted because of his criminal history, the favorable sentence he received (17 months below the applicable guidelines range of 168 to 210 months), and his Level 200

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1 conduct while incarcerated.

2 Defendant has had no additional disciplinary infractions since his 299  
3 infraction for disruptive conduct on November 28, 2010. In his Motion For  
4 Reconsideration, Defendant offers evidence that since 2010, he has taken  
5 advantage of a number of prison programs designed to improve himself  
6 physically and mentally. The court did not have this information available to it  
7 at the time it entered its order denying his motion for sentence reduction. This  
8 newly available information persuades the court that Defendant should be given  
9 a sentence which is reduced but still reflective of his overall conduct including  
10 time in custody.

11 Accordingly, Defendant's Motion For Reconsideration (ECF No. 81) is  
12 **GRANTED** and Defendant's sentence will be reduced from 151 months to 146  
13 months pursuant to the amended guidelines range created by Amendment 782  
14 (140 to 175 months based on a Total Offense Level of 29 and a Criminal  
History Category of V).

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
16 this order and provide copies to Defendant and to counsel of record.

17 **DATED** this 24th day of November, 2015.

18 *s/Lonny R. Suko*

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20 LONNY R. SUKO  
Senior United States District Judge

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